

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL SAMPSON, #51064,	§	
Plaintiff,	§	Case No. 6:19-CV-17-JDK-KNM
	§	
v.	§	
	§	
TANYA REED, <i>et al.</i> ,	§	
Defendants.	§	
	§	

ORDER OF DISMISSAL

Plaintiff Michael Sampson, an inmate confined in the Gregg County Jail, proceeding pro se and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (Docket No. 15) concluding that the lawsuit should be dismissed.

The Report recommended that the claims against David Brabham, Scott Novy, and Tanya Reed be dismissed with prejudice for failure to state a claim upon which relief may be granted and as frivolous because the claims lack any basis in law and fact pursuant to 28 U.S.C. § 1915A(b)(1). The Report further recommended that the claims against the unknown police officer with the Longview Police Department and the unknown Gregg County District Attorney's investigator be dismissed with prejudice until the conditions established in *Heck v. Humphrey*, 512 U.S. 477 (1994), have been satisfied.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections being raised by Plaintiff to the Report, the Court is of the opinion that the findings and

conclusions of the Magistrate Judge are correct. It is therefore **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE** against David Brabham, Scott Novy, and Tanya Reed pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915A(b)(1). Additionally, it is **ORDERED** that the claims against the unknown police officer with the Longview Police Department and the unknown Gregg County District Attorney's investigator should be **DISMISSED WITH PREJUDICE** until the *Heck* conditions are met. All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **11th** day of **April, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE